

EXHIBIT 12

DECLARATION OF BRYAN WAIER

I, Bryan Waier, hereby declare as follows:

1. I have personal knowledge of the facts contained in this Declaration, and they are true to the best of my knowledge and belief. I am over 18 years old and competent to testify to the following.

2. I farm land in and around McLeansboro, Illinois.

3. I first purchased Nutriplant™ products in December 2018 for the 2019 crop year.

4. I purchased those Nutriplant™ products from Benjamin Buckwalter, who sold them on behalf of a company called Yield Nation. I paid for the products by check, which I made out to Yield Nation. A true and correct copy of the invoice Mr. Buckwalter gave me for that purchase is attached as **Exhibit A**.

5. I bought both the Nutriplant™ AG foliar treatment, a spray fertilizer, and Nutriplant™ SD seed treatment, which helps seeds flow through a planter while adding some nutrients. I purchased one 30-gallon drum of the Nutriplant™ foliar spray. I purchased five buckets of the Nutriplant™ SD seed treatment. The foliar spray came in a blue plastic barrel with a Nutriplant™ label, as represented on the invoice. A true and correct photograph of the barrel I received in 2019 is attached as **Exhibit B**.

6. I had a good experience with both Nutriplant™ products in the 2019 crop year. The Nutriplant™ foliar spray was easy to use and apply. I used it on my wheat crop and saw good results.

7. In November 2019, Mr. Buckwalter followed up and asked if I wanted to purchase more of the foliar spray and seed treatment. I ordered another 30-gallon barrel of the Nutriplant™ AG foliar spray for use on my soybeans in 2020. I also bought five more buckets

of the Nutriplant™ SD seed treatment. Mr. Buckwalter gave me an invoice from Yield Nation showing pictures of the Nutriplant™ products I purchased. A true and correct copy of the invoice Mr. Buckwalter gave me for that purchase is attached as **Exhibit C**. The product was paid for by check to Yield Nation.

8. I agreed to purchase more of the Nutriplant™ foliar spray and seed treatment because of the way those products performed in 2019.

9. Mr. Buckwalter delivered the buckets of Nutriplant™ SD seed treatment I purchased. The foliar spray was to be delivered later.

10. By spring of 2020, I had not received the foliar spray, so I called Mr. Buckwalter about it. The foliar spray finally arrived a couple of weeks later. A true and correct copy of the delivery receipt showing the shipment from Yield Nation is attached as **Exhibit D**.

11. When the foliar spray finally arrived, it was in a clear, white barrel instead of the blue barrel I had received earlier that year and which was also represented on the invoice for this purchase. The barrel also had a Yield Nation label instead of the Nutriplant™ label like the barrel I had previously purchased. A true and correct photograph of the barrel I received in 2020 is attached as **Exhibit E**.

12. I could immediately see that the foliar spray itself was not the same and had separated out in the barrel. However, at that point I still had Nutriplant™ AG foliar spray left over from 2019 that I could use on my 2020 crops, so I didn't need the product immediately. I therefore did not contact Mr. Buckwalter or Yield Nation immediately.

13. I did contact Mr. Buckwalter when I ultimately went to use the foliar spray that arrived in the clear, white barrel with the Yield Nation label. I told him the product did not look right. He then told me that he had outsourced the product to a different company, but assured me

it was the same ingredients. He said "just reference the label." He relied on the label to tell me that the product was the same as the Nutriplant™ AG foliar spray I had previously purchased.

14. Even when I rolled the barrel of Yield Nation foliar spray on the floor, it would not mix. I told Mr. Buckwalter that I would not put the product in my sprayer because the product would not mix. I did not want to risk clogging my sprayer. I refused to open the sealed barrel. Mr. Buckwalter told me to open the barrel to try and mix some of the product in a jar. I didn't open the barrel because I suspected he would refuse to refund it.

15. When I told Mr. Buckwalter that I wanted a refund, he told me to give him some time to check if he had any of the 2019 product left. I did not hear back from him, so I called him again in June or July of 2020. He said he would have his secretary, Jen, call me to arrange a refund. I have not had any contact with anyone from Yield Nation since.

16. I have not purchased any more Nutriplant™ products after this experience, and I will not to purchase more Nutriplant™ products until I receive the Nutriplant™ product that I paid Yield Nation for.

17. I have since learned that Mr. Buckwalter used my name as part of his sales pitch while selling the foliar spray and seed treatment to other farmers. As a result, several local farmers called me in 2019 asking about those products. I gave positive references for the Nutriplant™ products to several local farmers based on what I purchased for the 2019 crop year; but, I would not give a similar reference for the product I purchased for the 2020 crop year.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February _10th, 2021

Bryan Waier
Bryan Waier



REDACTED

SALES RECEIPT

Sales Rep: Ben Buckwalter
 Phone
 Email:

Sale To: Bryan Waier

Mc Leansboro, IL 62859

PAID



Ensure maximum crop yield with this liquid foliar nutritional supplement.



Provide essential nutrients which activate crucial enzymes that optimize metabolic pathways necessary for proper seedling growth and enhanced vigor.



For better weed control, for hard-to-penetrate soils, for many farming applications.

PAYMENT METHOD		DATE OF SALE		MISC.	
Check		12/13/2018		Receipt # 04-121985	
QTY	ITEM	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
1	30 gal.	Nutriplant AG	\$12.00/acre	-\$2.20/acre	\$2350
5	25 lb.	Nutriplant SD	\$3.00/acre	-\$1.00/acre	\$2400
TOTAL DISCOUNT					

Please make check payable to Yield Nation

Thank you for your business!

SUBTOTAL	
SALES TAX	
TOTAL	\$4,750.00

NUTRIPLANT® AG

6-4-3

Low Analysis Fertilizer

A Foliar Nutritional Supplement
to Enhance Growth of Agricultural Crops

Guaranteed Analysis:			
12% Ammoniacal Nitrogen (N)	6.0 %	Copper (Cu)	0.25 %
22% Ammoniacal Nitrogen (N)	11.0 %	0.50% Water Soluble Copper (Cu)	0.36 %
14% Ammoniacal Nitrogen (N)	7.0 %	0.30% Water Soluble Iron (Fe)	0.36 %
14% Ammoniacal Nitrogen (N)	7.0 %	Manganese (Mn)	0.36 %
14% Ammoniacal Nitrogen (N)	7.0 %	Molybdenum (Mo)	0.025 %
14% Ammoniacal Nitrogen (N)	7.0 %	Zinc (Zn)	0.36 %
14% Ammoniacal Nitrogen (N)	7.0 %	0.50% Water Soluble Zinc (Zn)	0.36 %

For use on all crops. This fertilizer is to be used only on soils which are deficient in the nutrients listed above. It is not a substitute for a regular fertilizer program. Use of this fertilizer on any crop other than those listed above may result in injury to the crop. For more information, contact the nearest distributor or write to: Nutriplant, Inc., P.O. Box 100, St. Louis, MO 63101.

30 gal (113 liter)
Net weight: 300 lb (136 kg)

May be Harmful if Swallowed. May Cause Skin and Eye Irritation.
Keep Out of Reach of Children.

Distributed and Guaranteed by
Nutriplant Group International LLC
7535 Fulton Street East
Aurora, IL 60009
U.S.A.

60-3484

LOT NO.: ZNJM0622
EXP.: 03/22

Recommended NUTRIPLANT® AG Application Rates and Times for Selected Crops

APPLICATION: SHAKE WELL before using. Dilute with water to obtain uniform coverage. Dilution depends on spraying equipment. For high volume sprayers dilute 1:20. For low volume sprayers dilute 1:20 to 1:100. To co-apply with agrochemicals, dilute 1 part NUTRIPLANT® AG with 5 parts water prior to mixing with pre-diluted chemicals. available formulations of agrochemicals differ widely, a small test area should be treated prior to large scale mixing to determine that no undesirable effects occur. For best results, apply in the evening or early morning.

CROP	APPLICATION RATES # ounces	APPLICATION TIME(S)
Alfalfa	10	Apply at about 90% ground cover. Repeat application after each cutting.
Barley, oats, rye, wheat	16	1 application - winter varieties at first spring growth; spring varieties at 2-3 leaf stage.
Berries	16	2 applications - early to mid-bloom and at 7-10 leaf stage. For reliable picking, after each harvest.
Citrus	14	3 applications - pre-bloom, fruit set and at color change.
Corn, (field, pop, sweet)	10	1 application - 6-8 leaf stage.
Cotton	8	4 weekly applications beginning at first square.
Flaxseed	16	1 application - 2-4 leaf stage.
Fruit trees	16	1 application - leaf out, fruit set, end of fruit color change.
Fruiting vegetables	12	3 applications - pre-bloom, fruit set and at color change.
Grapes	16	3 applications - pre-bloom, fruit set and again 2-3 weeks later.
Hops	16	1 application - pre-bloom stage.
Julia	16	1 application - pre-bloom and post set stage.
Lupines	16	2 applications - pre-bloom, fruit set and at color change.
Melons	12	3 applications - pre-bloom, fruit set and again 2 weeks later.
Millets, sorghum	16	1 application - 6-8 leaf stage.
Nuts	16	3 applications - pre-bloom, fruit set and at color change.
Olives	8	3 applications - 6-8 leaf, 2 weeks later, and again 1 week later.
Onions, chives, garlic, leeks, shallots	8	2 applications - pre-bloom and at color change.
Peas	16	2 applications - 6-8 leaf stage and again 4 weeks later.
Peanuts	14	2 applications - pre-bloom and at color change.
Potatoes, yam	16	1 application - 2-5 leaf stage and at color change.
Rapeseed, canola	14	2 applications - on a biennial basis, starting at 4-6 leaf stage.
Rice	8	3 applications - pre-bloom and post set stage.
Root vegetables	16	2 applications - pre-bloom and post set stage.
Soybeans	16	2 applications - pre-bloom and post set stage.
Soybeans	16	2 applications - pre-bloom and post set stage.
Strawberries	16	2 applications - pre-bloom and post set stage.
Sugar beets	16	2 applications - pre-bloom and post set stage.
Sugar cane	16	2 applications - pre-bloom and post set stage.
Sunflowers	16	2 applications - pre-bloom and post set stage.
Tellico	16	2 applications - pre-bloom and post set stage.
Tropical fruits	16	2 applications - pre-bloom and post set stage.
Turkey	16	2 applications - pre-bloom and post set stage.

* This product is not a lawn maintenance fertilizer and is recommended application rates do not exceed 1.0 lb of N and P2O5 per 1,000 sq ft.

Blackberry, blueberry, cranberry, currants, dewberry, gooseberry, logberry, raspberry, apple, apricot, avocado, cherry, nectarine, peach, pear, plum, cucumber, eggplant, pepper, pumpkin, squash, tomato, zucchini, (dry, faba, green, etc.) chickpeas (garbanzo), lentils, peas, Carrots, cress, dill, fennel, honeydew, watermelon, Beet, carrot, parsnip, radish, turnip, Arichoke, asparagus, broccoli, Brussels sprouts, cabbage, cauliflower, celery, endive, lettuce, parsley, spinach, zucchini, marrow, melon, pineapple, Important Notice: Read the entire label. Use only in accordance with the label instructions. Use in conjunction with normal fertilizer program and will not, by itself, provide all the nutrients necessary for plant growth. Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.nutriplant.com/ingredients.htm>

STORAGE: Store at a temperature between freezing and 100°F (37°C). Keep container tightly closed. Do not store diluted product. Do not store in direct sunlight.

Exhibit

B

exhibitclerk.com

REDACTED



SALES RECEIPT

YIELDNATION.COM

Sales Rep: Ben Buckwalter

Phone: [REDACTED]

Email: [REDACTED]

Sale To: Bryan Waier

McLeansboro, IL 62859

PAID

Type to e



Enter maximum crop yield
with this liquid foliar
nutritional supplement.



Provide essential nutrients which activate
crucial enzymes that optimize metabolic
pathways necessary for proper seedling
growth and enhanced vigor.



For better weed control, for hard-
to-penetrating soils, for many
farming applications.

PAYMENT METHOD		DATE OF SALE		MISC.	
Check		11/21/2019		Receipt # 02-12539C	
QTY	ITEM	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
5	25 lb. bucket	Root Enhancement	\$3.00/acre	-\$1.00/acre	\$2,400
1	30 gal.	Nutriplant AG	\$12.00/acre	-\$2.20/acre	\$2,350
			TOTAL DISCOUNT		
				SUBTOTAL	
				SALES TAX	
				TOTAL	\$4,750.00

Exhibit

C

exhibitstick.com

Please make check payable to Yield Nation

Thank you for your business!



Pro 541313706

Due to the COVID-19 Pandemic
Signatures Are Not Required on DRs
Visit Our Website: daytonfreight.com

Consignee 9999032	BRIAN WAIER	Shipper 0071091	YIELD NATION	OT DNN	DFL PU Date 4/27/20
Special Instructions	MCLEANSBORO, IL 62859	Door: 13	CHATTANOOGA, TN 37405	DT SAL	Standard Date 4/29/20
	MT VERNON	Appt Contact Name	B/L Number 000000000	PO Number NS	
		Appt Date	Appt Time	COD Amount	DRC Amount
				Partner Carrier	

Class Wgt-LB Rate Charges

1	Brian Waier SKID NMFC 48580	70	355	
REDACTED				
1	TOTALS		355	PREPAID Payer-Third Party

Consignee initial for services performed not
otherwise noted on Delivery Receipt

Inside Delivery Liftgate Delivery Sort/Seg # Pieces Handled Limited Residential Construction Site

Shipments Received in Good Condition with Shrink Wrap Intact Except as Noted

Signature:

Time In: Print Name

Time Out: H/U:

Date: 4/29/20 Driver:

Delivery Receipt
Consignee Copy

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Exhibit

D

Exhibit

E

